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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 JAMES L. THOMPSON,

No. CIV S-01-2101 MCE KJM P

12 Petitioner,

13 v.

ORDER

14 FREDERICK K. BROWN, Warden,

15 Respondent.  
16 \_\_\_\_\_/

17 Petitioner, a state prisoner proceeding pro se, has timely  
18 filed a notice of appeal of this court's May 4, 2005 denial of  
19 his application for a writ of habeas corpus. Before petitioner  
20 can appeal this decision, a certificate of appealability must  
21 issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

22 A certificate of appealability may issue under 28 U.S.C.  
23 § 2253 "only if the applicant has made a substantial showing of  
24 the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

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1 The court must either issue a certificate of appealability  
2 indicating which issues satisfy the required showing or must  
3 state the reasons why such a certificate should not issue. Fed.  
4 R. App. P. 22(b).

5 For the reasons set forth in the magistrate judge's February  
6 9, 2005 findings and recommendations, petitioner has not made a  
7 substantial showing of the denial of a constitutional right.  
8 Accordingly, a certificate of appealability should not issue in  
9 this action.

10 IT IS SO ORDERED.

11 DATED: May 27, 2005

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14 MORRISON C. ENGLAND, JR.  
15 UNITED STATES DISTRICT JUDGE  
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